

In Chancery,

Between

Emma Teresa McCarthy,

PLAINTIFF

AND

Jane McCarthy, James Brown McCarthy, Clara Carrall McCarthy, Dorinda Cornelia McCarthy, Catherine Teresa McCarthy, Frances Eleanor McCarthy, the last four defendants being infants within the age of twenty-one years, and Daniel Carroll, the elder,  
DEFENDANTS.

City of London,

TO WIT:

To the Honorable the Judges of the Court of Chancery:

Humbly complaining shews unto your Lordships your complainant Emma Teresa McCarthy, of the City of London, in the County of Middlesex, Spinster, as follows:—

1. In the month of June, A. D. 1863, one James Francis McCarthy, of the Town of Ingersoll, in the County of Oxford, Physician, died intestate, leaving him surviving the above-named Jane McCarthy, his widow, and the above-named plaintiff Emma Teresa McCarthy, and the above named defendants James Brown McCarthy, Clara Carrall McCarthy, Dorinda Cornelia McCarthy, Catherine Teresa McCarthy, and Frances Eleanor McCarthy, his only children and heirs-at-law.

2. At the time of his decease the said James Francis McCarthy was seized in fee simple of, or otherwise entitled to, the following lands and premises, that is to say,—**All and Singular** that certain tract of land and premises situate lying and being in the Township of West Oxford, in the County of Oxford, in the Province of Ontario, being composed of part of lot number twenty in the broken front concession of Oxford, (western division) being lots number four and five south west side of Thames Street and north of King street, being two chains in front and running in rear one chain and seventy-three links, which said parcel of land is situated in the Town of Ingersoll, except forty-one feet sold off the north side to one Warren Harris.

Also, that certain parcel or tract of land situate lying and being in the Town of Ingersoll, in the said County of Oxford, Province of Ontario, containing by admeasurement eight thousand six hundred and fifty square links be the same more or less, being composed of part of lot number twenty in the broken front concession of West Oxford, and may be more particularly known as the north-west half of town lot number three on the south-west side of Thames Street and north of King Street, having a frontage on Thames Street of fifty links, and running in rear at right angles with Thames Street one chain and seventy-three links more or less to the lot deeded Edward Matthews, agreeable to a plan of the said Town of Ingersoll deposited in the Registry Office for the County of Oxford.

Also, that parcel of land in the Town of Ingersoll in the County of Oxford, in the said Province of Ontario, containing by admeasurement nine acres be the same more or less, and may be more particularly known as follows, that is to say, being part of lot number twenty in the first concession of West Oxford, and known as park lot number two on the west side of Thames Street and south of Ann Street, having a frontage on Thames Street of four chains and ninety-six links according to the survey of said property by W. G. Wonham, P. L. S., and deposited in the Registry Office of the County of Oxford.

Also, that parcel or tract of land and premises lying and being in the Township North Oxford, in the County of Oxford, and Province of Ontario, containing by admeasurement one hundred acres of land, be the same more or less, being composed of the South half of lot number twelve, in the third concession of said Township of Oxford North, as aforesaid, and is butted or bounded, or may be known as follows:—That is to say, commencing in the limits between lots numbers eleven and twelve, and on the North side of the road allowance between the third and fourth concessions, thence north

1. pt of lot 20.

the front Cor. W. Oxford.  
being 4 acres 5 S.W. Thames  
St. Ingersoll 2nd 173.  
except 40 ft sold to W.H.

2. NW 1/2 of lot 20.

8th of Thames St. of King  
St. Ingersoll.  
50 x 173.

3. Park lot 20. West  
of Thames St. of Ann.

4. 5 1/2 ac. S. Cor. of  
N. Oxford 100 ac.

twenty-one degrees, thirteen minutes west, thirty four chains more or less to the centre of said concession, thence north sixty-six degrees twenty minutes east thirty chains more or less to the road allowance between lots numbers twelve and thirteen, thence south twenty-one degrees thirty minutes, east, thirty-four chains more or less to the road allowance between the third and fourth concessions, thence south sixty-six degrees twenty minutes west thirty chains more or less to the place of beginning, containing as aforesaid one hundred acres of land.

5. Also, all and singular those certain parcels or tracts of land and premises, situate, lying and being in the Town of Ingersoll, in the County of Oxford, of the said Province of Ontario, containing by admeasurement half an acre, be the same more or less, being compceed of town lot number one on Oxford Street, which said lot is described as follows, commencing in the rear of lot number four fronting on Thames Street, thence west along the rear of the lots fronting on King Street one chain seventy-three links to Oxford Street, thence north along Oxford Street one chain eighty-five links to where a post has been planted, then east one chain thirty-nine links to the rear of the lots fronting on Thames Street, then south along the rear of lots five and four fronting on Thames Street to the place of beginning, except thirty-eight feet sold off the south side.

6. Also, town lot number two, west of Albert Street, and north of Ann Street, containing one-fifth of an acre.

3. Upon the decease of the said James Francis McCarthy, your complainant, and the said defendants James Brown McCarthy, Clara Carrall McCarthy, Dorinda Cornelia McCarthy, Catharine Teresa McCarthy and Frances Eleanor McCarthy, each became and now is entitled to one undivided sixth part of the said lands, subject to the right of the said Jane McCarthy to dower out of the said lands.

4. That Letters of Guardianship of your complainant and James Brown McCarthy, Clara Carrall McCarthy and Dorinda Cornelia McCarthy were on the 12th day of November, A.D. 1863, granted to the said defendant Daniel Carrall the elder by the Surrogate Court of the County of Oxford, being the proper Court in that behalf, and your complainant, and the said defendant James Brown McCarthy have since attained the age of twenty-one years, and the said Clara Carrall McCarthy and Dorinda Cornelia McCarthy are still infants under the age of twenty-one years, and the said defendant Daniel Carrall the elder is now their duly appointed guardian, so appointed as aforesaid.

5. That letters of guardianship of Catharine Teresa McCarthy and Frances Eleanor McCarthy, who are still infants under the age of twenty-one years, were on the 12th day of November, A.D. 1863, granted to the said defendant Jane McCarthy by the Surrogate Court aforesaid, the same being the proper Court in that behalf, and she the said defendant, Jane McCarthy, is now the duly appointed guardian, so appointed as aforesaid, of the said defendants last named.

6. That the said defendants, Jane McCarthy and Daniel Carrall the elder, have been in possession and in receipt of the rents and profits of the said lands from the death of the said James Francis McCarthy up to the present time.

Your complainant therefore prays;—

1. That a partition may be made of the said lands, under the direction of this Honorable Court, and that proper conveyances may be made by all parties for that purpose.

2. Or that the said premises may be sold under the decree of this Honorable Court, for cash, or upon such terms of credit as may appear reasonable, and that the proceeds of such sale may be divided amongst the parties entitled thereto according to their respective rights.

3. That the defendants, Jane McCarthy and Daniel Carrall may be ordered to account for the rents and profits of the said lands, and that the same when so accounted for may be divided in the same manner as the proceeds of the sale of the said premises.

5.  
Lot 2. West  
of Albert Street  
1/5 acre

See app of  
Jane McCarthy  
plus her 25/100

4. And that for the purposes aforesaid all proper directions may be given and accounts taken.

5. And that your complainant may be paid the costs of this suit.

6. And that your complainant may have such further and other relief in the premises as to your Lordships shall seem meet.

And your complainant will ever pray, &c.

E JONES PARKE.